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## "The Majestic Professor Barbara Swartz"

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## **"The Majestic Professor Barbara Swartz"**

### **Cover Page Footnote**

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**IN MEMORIAM:  
“THE MAJESTIC PROFESSOR BARBARA SWARTZ”**

*Richard D. Klein*<sup>\*</sup>

The face said it all. Those eyes—blue as the sky—shouting that life was grand but that she wanted more on her plate. Who could resist her call? You found yourself talking more and more, knowing that hers was a plate that could simply never get full. And then there was that magnificent smile, showing us that she understood it all. Even though this was a woman who was always searching, looking around, checking things out, she had some very real answers.

And live she did; she put us all to shame. It was never clearer than at the Birthday Celebration—the Birthday Celebration of her kidney’s 10<sup>th</sup> birthday. Not that the kidney itself was only 10, it had been transplanted in Barbara from a 70 year old woman. The dialysis which had been required before the transplant had been a horrid ordeal, one which many of us chose to experience with Barbara in bleak, three hour-long hospital sessions.

The transplant freed her. No longer would her travel need to be restricted to places where she could get the required three times a week dialysis. So the birthday was indeed a celebration. And celebrate we did, at a Chinese Restaurant—a large one completely taken over by Barbara’s friends. Table after table of Barbara’s friends. A microphone was passed around for each of us to explain how we had gotten to know Barbara and how much she had meant to us. One has never seen quite so many best friends. Friends who met her crossing the street or riding on the rail where they had randomly sat next to her. Friends for life. You see Barbara had this special way about her—an aura of warmth, caring, concern. An aura of love.

Yet there was so much more to Barbara than mere sweetness or warmth. Hers was a formidable mind; a mind that was always

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<sup>\*</sup> Bruce K. Gould Distinguished Professor of Law, Touro Law Center; J.D., Harvard Law School, 1972.

“on.” Her perspicacity was highly valued by our faculty; to be sure, we knew we had a special gem amongst us. She’d see solutions that simply escaped the rest of us; she became quite aware of this “gift” years after she had begun to teach. No more Criminal Law or even Family Law, she had found her calling in Mediation—in finding alternative ways of resolving disputes. She took her expertise out of the classroom and worked with the mundane (the post office) as well as the worldly (the United Nations). Her work enabled her to reduce her teaching load to one semester per year, and to increase her travels.

I was to be the lucky recipient of Barbara’s passion for other cultures. We had each taught for many years at Touro’s superb summer abroad programs, and whereas my teaching brought me to Asia, Barbara had fallen in love with Berlin. She created our Berlin program in 2002, associating at various times with two highly regarded German universities; hundreds of students from Touro, as well as from law schools throughout the country, attended. She had planned to go last May once again; I would be teaching International Human Rights and we were to have been teaching together for five weeks. It was to have been five magnificent weeks which we had looked forward to, and spoken of, for many a year. But Barbara was fighting her body’s weakened state and finally, just five days before she was to board her flight, she was hospitalized. Barbara was still determined to do all she possibly could to teach her course, and we postponed any decision to cancel her class until we had no choice. Barbara’s illnesses had, historically, only very rarely won out—but this time it had.

I have always thought that the best way of honoring someone’s life was to pursue and support causes and movements that were most dear to the person. For Barbara, this means, perhaps most of all, the struggle for women’s rights—a lifelong passion. She had held fundraisers in her home in recent years for Emily’s List, an organization dedicated to electing more women to state and national office. Last year, she opened her home to support the successful candidacy of Letitia James for New York City’s Public Advocate, and for Elizabeth Warren’s Senatorial campaign in Massachusetts.

Barbara was fully cognizant of the inequities in our criminal justice system. She had directed a Women’s Prison Clinic while at NYU Law School and taught Criminal Law at Touro. Her Rights of the Child course highlighted the racial discrimination inherent in this

country's policies of incarcerating juveniles. I had had many discussions with Barbara about the persistent cruel and unusual punishment of this state's prisons. She was a long time Board member of Prisoners' Legal Services in New York.

She had an overarching commitment to Patients' Rights. Barbara experienced poor and inadequate hospital care, far, far more than anyone should ever have to. She was instrumental in crafting a Patients' Bill of Rights, but deficient and incompetent care during her last bout at New York Hospital caused her so much personal grief. She was on the Board of Directors of Compassion and Choices—the basic human right of someone to be able to die in dignity was of critical importance to her. And, ultimately, Barbara, herself had to make the toughest of choices. The disease, which she had for so long refused to permit to control her life, could be conquered no more.

Barbara was an intensely political person. I held hands twice with her at rallies singing “We Shall Overcome.” And overcome she did. “An inspiration,” is what so many people would say of Barbara. When others began to let their own difficulties get them down, they'd think of Barbara out there in the world slaying dragons and savoring every morsel of life. Every minute counted, every rose needed to be smelled, the world was there for the taking. Few had it as tough as Barbara, and we all knew that. And we knew that we should—must—follow her example, or, at least, try our best to.

Which brings me back to her face, the eyes, and oh, that smile. That smile which showed her joy in life. That smile which so exemplified her charm. That smile which said it all. Barbara never asked to be a hero, she was fundamentally an unassuming and modest person. But her passion, her commitment, her dedication and her strength most decidedly makes her our hero. We so wish there was more time in her life, but there *was* so much life in the time we were able to share with her. It was an absolute honor to have been a part of the majestic world of our beloved, Barbara Swartz.

*Howard A. Glickstein* \*

Nearly twenty-one years ago, Barbara Swartz became Touro's first chaired Professor when she was invested as the Bruce K. Gould Distinguished Professor of Law. When I looked back at my remarks on that occasion, I realized they were as relevant today as they were then. Barbara continued on her course of excellence and distinction. Barbara was the senior member of our faculty. She played a leading role in the Law School's efforts to achieve ABA provisional and full accreditation and membership in the Association of American Law Schools. Because of her senior status, she was a mentor to many members of our faculty. While Barbara chaired our faculty appointments committee on many occasions, she saw her responsibility as going beyond the hiring of new faculty members. She worked with new faculty members to help them develop into good teachers and scholars.

Barbara was an excellent teacher and accomplished scholar. Her work in the health field, in mediation and on end of life issues is internationally recognized. Her enthusiasm occasionally added to my burdens as dean. One year, Barbara decided to conduct a divorce mediation program for professionals working in the field. She did not limit the program to lawyers; she also included social workers. Soon after the program began, I received a call from an official of the Suffolk Bar Association. He wanted to know whether I knew what Barbara Swartz was doing. He complained that not only was it bad enough that Barbara was promoting mediation, rather than litigation, and undermining the livelihood of traditional matrimonial lawyers, but she also was opening the field to nonlawyers. I attempted to explain to him the value of Barbara's work, but I do not think I was very successful.

Another of Barbara's accomplishments was the recognition she brought to Touro through her participation in many international conferences. Her scholarly and professional activities, however, did not detract from her commitment to teaching. She was deeply in-

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volved with her students. For the last few years I shared a suite with her, and it was unusual to walk by her office and not find students lined up waiting to see her.

Barbara developed a special interest in our overseas summer programs. She realized how these programs broadened the perspectives of students. Barbara established our program in Berlin and headed it for many summers. I was in Berlin the first summer of that program and observed Barbara's dedication and creativity.

Barbara Swartz recognized that a law teacher's responsibilities go beyond the walls of her institution. She participated in a wide array of professional and public interest activities. Barbara demonstrated that a law teacher could be an accomplished teacher and scholar and, at the same time, a vital member of the legal community. Each year, the law school presents an award to a faculty member who has distinguished herself through public interest activities. Barbara was the recipient of that award on more than one occasion.

Barbara was very wise, and her wisdom was respected by all of her colleagues. She often was called upon to chair special committees dealing with controversial topics. If there was any possibility of achieving a consensus, it was Barbara Swartz who could do it. When Barbara spoke at a faculty meeting, the faculty listened. Invariably, what she had to say was well worth listening to.

Touro was fortunate to have on its faculty a person of Barbara Swartz's caliber. She will remain in the hearts and memories of those who knew her for all times. We at Touro cherished her as a colleague. She lived a life that deserves to be honored and remembered.

*Eileen Kaufman*<sup>\*</sup>

I met Barbara in 1973 when I enrolled in the women's prison project—a clinic at NYU law school that Barbara taught. I was completely alienated from law school; I couldn't relate to anyone or anything I was experiencing and felt so out of place. Then I met Barbara. Some of you didn't know Barbara in her youth—in the 1970s, she

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had long, curly, big hair and wore long ethnic skirts—she was fabulous. There was a role model for me. She would invite her clinic students to her home regularly; we all called her Barbara. She became so close to so many of those students. Barbara had an incredible influence on so many of us. She really saved me in law school and I've heard others say the same thing. She convinced us, not by anything she said but just based on who she was, that there actually was a place in the law for us.

Fast forward ten years; I applied for a job as a legal writing teacher here at Touro. Barbara told her colleagues that they should hire me, and they listened. About a year later, when Barbara got sick, she recommended that I take over her Family Law class, and she told her colleagues that based on that experience, they should move me into a tenure track slot and they listened and they did. So she saved me in law school and she did so much to make a place for me here at Touro. I think you can see why I owe her so much.

I can't begin to express my gratitude to Barbara's husband, Knud, and her family, for permitting me, and so many of her other friends, to have a chance to talk to Barbara in the day or two before she died. I told Barbara the same thing I write here—every time I have been asked whether I had a teacher who influenced me, she's the person I describe.

I also told her how very grateful I was to have spent a week with her in Mexico this past spring. My husband and I had talked for years about joining Barbara in San Miguel and finally we did it last March. I can't say the trip went perfectly smoothly. When we arrived, we were told that Barbara was in the hospital, so we promptly made our way there and through all the tubes and gadgets she was attached to, she told us about the plans she had made for us—concerts, restaurants, artist studios. It was clear she wouldn't be able to participate in these events—she really couldn't walk at that time and she was exceedingly weak—but as each event approached and Barbara would describe the plan, her eyes would open wide and she'd change her mind and decide, sure—she can do it. She would just have whoever was around carry that wheelchair over whatever impediment appeared in her path. I must say San Miguel is the least handicapped accessible place I've ever visited. For example, we went to a wonderful artist's studio and Barbara noticed there was an upstairs room that she just had to see, so Robert and Barbara's aide, Niko, carried her and her wheelchair up this narrow, steep flight of steps. While



they were huffing and puffing, she was beaming and gesturing this way and that—pointing out treasures along the way. Classic Barbara.

*Jeffrey B. Morris*\*

This is my twenty-fifth year at the Law Center. When I came, I was fortunate enough to be placed in an office right next to Barbara's. She insisted that this was her doing. I have no idea why she chose to do that, but for me it brought an immediate friend and counselor. We would sit on the sofa in her office in those early years and talk for hours. We shared great interests in the law, politics and music as well as a deep love for cats, although she undertook to assist a great many strays while I limited myself to two feline members of my family.

Years later, Barbara and I spent some eleven weeks together over two summers in Berlin where we were both teaching in the Law School's Germany program. She was a joy to talk with, to go to the opera with, to work in the great parks of Potsdam with. Together, we bewailed developments in domestic politics and international affairs and enjoyed telling and listening to stories about idiosyncrasies of our colleagues and students. Conversation always flowed. During those two summers, there was never a hint of disagreement. When I decided not to return for a third summer, I had no particular regret about missing Berlin, great city that it is, but I had quite considerable regrets about not spending another summer with Barbara.

There are many words and phrases appropriate to describing Barbara—words like: "Warm," "sensitive," "politically committed," "acute judge of character" and "courageous." Forced to choose, I would pick two—"resourceful" and "indomitable."

Speaking no German, Barbara found housing for everyone in our program. She made contacts that yielded visits to the headquarters of the old East German secret police—the Stasi—and to the Reichstag. Her cordial relations with a leading jurist in the field of human rights and his wife led to an annual dinner at his home for all

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twenty-three of us. Barbara ran the program in Berlin. She taught her classes; handled all kinds of problems that come up in summer programs and set (or at least tried to set) the intellectual tone for the entire group. She went to concerts, opera, theater and museums, even while spending many an afternoon in doctors' offices. If a problem needed solving, Barbara never had any compunctions meeting or talking with anyone nor about asking anyone she saw at any place, at any time, for assistance.

Barbara was a deeply sympathetic and empathetic human being. But her standards were high. Twice I served under her chairmanship of committees creating grade curves—no pleasant task for chairperson or committee member. She was a magnificent chair person. On the one hand, she was sympathetic to students as individuals and recognized the relationship of grades to jobs. Yet, unlike many of her colleagues, she saw no long term gain for the students or for the institution from inflated grades. Though very kind, Barbara also possessed high standards for the ways in which people should behave. Barbara's standards carried over to her colleagues. She had little patience with shading the truth. She was an acute judge of character—perhaps the most acute I ever have met—and this prevented her from joining the mawkishness that sometimes has appeared in our dialogues. Barbara drew a very clear line between nurturing and enabling.

If Barbara was not blessed with good health, she was blessed many times over by having a partner whom she loved and who loved her so very deeply. Barbara was in so many ways a sturdily independent woman. She could live alone, travel alone and sometimes had to bear illness alone. But she could do this because she knew and constantly felt Knud's love. She knew the sacrifices Knud had made for their marriage and honored him with her own as we honor him today.

Barbara Swartz cannot be said to have had an easy life. But, it was lived to the fullest possible and remains for us a model of just how life can be lived.

*Thomas A. Schweitzer\**

It is with great pleasure that I recall my association with Professor Barbara Swartz, a person whom I held in great esteem. I first encountered Barbara many years ago in a Manhattan hotel room, where she and Professor Richard Klein interviewed me for a teaching position at Touro Law School, which was then located in Huntington. It was my good fortune that I was offered and accepted the job, and I have spent my entire career at Touro ever since. Barbara deservedly was regarded as one of the leaders of the Touro faculty during her many years at the law school.

Apart from serving with her on faculty committees, my closest working relationship with Barbara occurred during the last decade. I had the privilege of teaching with Barbara for several years (2006, 2007, 2008 and 2011) in Touro's Berlin summer program, which Barbara created and led from its inception until this year. Despite her often precarious physical health, she worked tirelessly to supervise every aspect of the Berlin program, planning the calendar, the courses and the extracurricular programs which added so much to the experience. She also was a diligent and tireless administrator; when the comfortable old pre-war hotel where students had stayed during the early years of the program became unavailable, she walked around the city from hotel to hotel, negotiating with the managements to secure the most attractive deal for students' housing in Berlin. On one occasion, I accompanied her to the city's central public transportation office, where she opened her large purse and took out thousands of dollars worth of euro notes to buy monthly passes valid for all public transportation in the city for each of the students in the program. I was surprised that she would take the risk of carrying that amount of cash around in her purse, but she correctly assumed that no potential thief would dream that this rather diminutive woman would take such a chance, and this preserved her cover.

Barbara took the Berlin program quite seriously and planned a series of events outside class which added greatly to the program, starting with a bus tour of the city and including a special guided tour

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of the Reichstag building, seat of the German Bundestag or parliament. She recruited an impressive group of professors from outside Touro to teach in the program, notably including a justice of the Australian Supreme Court, eminent American law school professors, and a New York federal district court magistrate judge. She was always good company at events and dinners during the program.

As I have noted, Barbara's health was often not the best during these times, and fortunately she had an excellent physician in Berlin whom she could call upon at any time. She was often separated from her husband Knud, whose job's duties took him to various foreign lands. Lesser spirits might have decided to play it safe by staying at home and not expending one's energy on the significant demands and responsibilities of managing a summer program with over twenty students. But Barbara was determined to live life to the fullest despite her infirmities.

For her indomitable spirit and for all the years of having her as a friend and colleague, I will remember Barbara with affection and deep respect and will cherish her memory.

*April Schwartz\**

In Professor Barbara Swartz's travel letters, one reads the words of a gifted teacher, friend, and lover of life, so it seemed fitting to me to reread the letters and attempt to convey at least a fraction of her joie de vivre. In the too-short period that I knew her, I was fortunate to be included among the many who received her engrossing accounts from Vietnam, Turkey, Germany, Switzerland, Denmark, Sweden, Italy, Israel, Jordan, Thailand, France, Bali, Peru, Ghana, Mexico, New England and California. Barbara traveled in good health or ill, and much of the time she was very sick. She said that traveling made her feel better. Every time she felt well enough to "put one foot in front of the other," as she described it, she got on a plane and saw another part of the world she loved so much. She was most often accompanied on these journeys by her equally enthusiastic

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traveling companion, her husband, Knud-Erik Rosenkrantz, but she also traveled solo, though never alone, as she met so many people who almost immediately became her friends. Her always humorous, self-deprecating, and often poignant letters described her encounters with a wide cast of characters in such lively, detailed fashion that we, her readers, felt we'd been there with her. The ultimate travel writer, Barbara spoke to us of each country's history, politics, human rights record, music, art, natural wonders, wildlife, food, and medical facilities (for she visited them often), but it was the people she met that most interested her.

To illustrate Barbara's tremendous capacity for friendship, in one relatively recent letter she described her trip to Provence for her friend Soren's wedding, and this letter made me think back to when I first became acquainted with Barbara. She, longtime professor of mediation at Touro Law, introduced herself to me, the new library director, and when she learned that I was also new to New York, she offered to take me on a tour of her beloved Brooklyn. When I arrived at Barbara and Knud's house she was chatting with a young man whom she introduced to Knud and me, explaining that she had only just met him on the train on the way into Touro Law Center. Barbara heard him speaking Danish so she moved to a seat next to him and struck up a conversation. I imagine that she peppered Soren with questions about himself (this was his first visit to New York as a student in graduate studies), and she decided that he, too, needed the tour, with the result that he happily joined us in seeing Coney Island, several distinctive Orthodox Jewish neighborhoods, and a very fine Brooklyn brewery. She and Knud also took him to a Knicks game. And so, nearly ten years later, Barbara and Knud ended up accepting an invitation to attend Soren's wedding in France. No matter where Barbara traveled in the United States and the wider world, she sought new people out and was completely open to the possibility of forming lasting friendships, just as she had done with Soren and me.

There are dozens of memorable moments recounted in Barbara's letters. She swam in the Red Sea in Aqaba, Jordan just before the New Year and sent to all of us her fervent wish for peace in the Middle East. She sought out the house with two hundred all-white cats in Vlad, Turkey (Barbara adored all cats). She watched the Colobus and Mona monkeys play in a reserve in Ghana near where Knud was a teacher. She visited the Yad Vashem Holocaust museum in Israel and she said she felt the pain of the tremendous losses "hit me in

the stomach.” She wrote out for her readers a description of every ingredient served in a seven course meal at the Chevre del Oro restaurant in Eze, France which she declared was one of the best restaurants in all her travels. In San Miguel, Mexico, her home-away-from-home, she joyfully described the small victory won at an evening open-air concert when she convinced those seated around her to resist relinquishing their patch of ground to concert security guards who attempted to move them out in favor of late-comers with more expensive tickets. When the guards finally gave up and let Barbara and her new acquaintances stay where they were, Barbara shot her fist in the air and shouted, “El Pueblo Unido!” Everyone laughed and enjoyed Handel’s Fireworks music. Barbara was a peaceful warrior, fighting for justice anywhere she found herself.

Barbara often wrote about her love of teaching. While directing the Touro Law summer program in Berlin, she said that when she taught mediation she wanted to give her students a serious academic experience combined with having fun. During breaks she asked them to do the Hokey Pokey and play Simon Says. She was undaunted when they seemed to resist childish games, and glad when they let themselves go and really got into it. She loved to have them do role plays which she felt they didn’t get enough of in law school. She also arranged for visits to many sites around Berlin. In one letter she described having them visit the Reichstag, attend the talk of a German human rights lawyer, and hear a lecture by Princess Konstanza Zu Lovenstein, Barbara’s friend whose father was a resistance fighter in World War II. Barbara also wrote of teaching family law in Netanya, Israel, with Professor Lew Silverman. Once, she prepared a mediation role-play for the Israeli students in a family law class. Their professor worried that the role plays wouldn’t work because the student’s English was poor and they’d be shy, never having done such a thing before. Barbara and Lew pretended it would be easy. There were seventy students in the class so the room was divided into twenty-one groups of three students. The role plays had been translated into Hebrew and the students did them in Hebrew. Barbara was so pleased with how enthusiastically the students performed, though she couldn’t understand a word they were saying. She was a talented teacher.

It seems fitting that Barbara's own words should end this particular tribute. Here is an excerpt from one of the letters that Barbara sent to us, with the title New England Road Trip, June 2012.

### WHY I TRAVEL

*Most of all, travel keeps me alive. The opportunity to experience the new, to see the world from a fresh perspective, to rejoice in my curiosity. I enjoy the challenge of waking up and not knowing what new adventures the day will bring. When I leave the security blanket of my home and venture out, I am testing my limits, my ability to cope with the unexpected, good or difficult, and to remind myself that I am a warrior/survivor. Colors seem more intense; there are fewer pastels, blacks and greys and more yellows, reds, blues, greens. I'm fully here in this moment . . .*

*I most like days with no plans or preparations, I love driving along country roads with our car windows open, smelling the sweetly cut grass and clover or wandering into a building that asks to be explored or finding an old wooden covered bridge or a cemetery with the dead from so many centuries quietly resting. What can be more wondrous than sitting on a quiet rock and watching the white water of the waves shattering below? . . . The days are filled with surprises and I embrace all of them. . . . Every time I'm in bed with another life threatening illness, I try to remember that there is still more of the world to explore. Each time my doctor says with a voice filled with wonder, "Well you've done it again, you're ok to travel," I feel a secret thrill that, once again . . . it's time to go . . .*